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MEMO ENDORSED

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April 5, 2024

BY ECF

Honorable Barbara Moses
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Simone Samuels v. City of New York, et al.
22-CV-01904

Dear Judge Moses:

I am an Assistant Corporation Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendants in the above-captioned proceeding. Defendants write jointly with Plaintiff to provide a joint status report in advance of the April 11, 2024 conference, as ordered by the Court on February 1, 2024 (ECF Dkt. No. 48). In this joint status report, the parties request that the status conference be adjourned, the discovery deadline be extended, and also provide an update on mediation.

A. April 11, 2024 Conference Adjournment Request

The parties request that the April 11, 2024, conference be rescheduled because I have a conflicting appearance before another court. Specifically, on April 11, 2024 at 10:30 AM, I have an in-person oral argument on a motion to dismiss before the Honorable Orelia E. Merchant in Candace Butts v. Department of Education, et. al., Index No. 22-CV-4418 (E.D.N.Y.). As a result, the parties respectfully request that the in-person status conference be rescheduled. The parties propose the following two times for a rescheduled conference: April 19, 2024 by remote means or in-person on May 1, 2024 after 1:00 PM.¹

¹ If the Court grants the parties' request to adjourn the conference, in an effort to avoid another scheduling conflict, the undersigned will be unavailable on April 15, 2024 at 10:00 AM due to an in-person status conference in Bronx

B. Discovery Extension Request

The parties also request that the Court extend discovery from April 9, 2024, to September 30, 2024. This is the parties' first request for an extension. Plaintiff served discovery demands on December 13, 2023, and Defendants responded on January 22, 2024. Defendants served discovery demands on December 14, 2023, and Plaintiff served her responses yesterday, April 3, 2024. An extension of time is needed to allow the parties to engage in additional discovery, resolve any discovery disputes, conduct depositions, and engage in further settlement discussions.

C. Mediation Update

The parties held a mediation on January 23, 2024. The parties intended to schedule a second mediations session, but the session was postponed because Plaintiff is recovering from surgery. An extension of the time to complete discovery will enable the parties to reschedule a second mediation session once Plaintiff has sufficiently recovered so that Plaintiff will be able to participate.

Thus, the parties respectfully request that the Court adjourn the April 11, 2024 status conference and extend the discovery deadline to September 20, 2024.

The parties thank the Court for its time and consideration of this matter.

Respectfully submitted,

/s/ Elisheva L. Rosen

cc:

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Application GRANTED to the extent that the initial conference previously scheduled for April 11, 2024, is ADJOURNED to **April 19, 2024, at 10:00 a.m.** and will be held by telephone. A few minutes before the scheduled conference, the parties must call (888) 557-8511 and enter the access code 7746387. No later than **April 12, 2024**, the parties shall file a joint pre-conference statement with the information required by the Order Scheduling Initial Case Management Conference (Dkt. 43). At the conference, the Court will consider the application to extend discovery.
SO ORDERED.



Barbara Moses
United States Magistrate Judge
April 8, 2024

Supreme Court, April 16, 2024 at 10:30 AM due to a virtual pretrial conference in SDNY, April 18, 2024 at 12:00 PM due to a virtual mediation in SDNY, and April 22-30 for Passover.